

ORDINANCE NO. 17958-01-2008

AN ORDINANCE DECLARING CERTAIN FINDINGS; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF FORT WORTH; PROVIDING FOR THE ANNEXATION OF AN APPROXIMATELY 23.0 ACRE TRACT OF LAND SITUATED IN THE FRANCISCO CUELLA SURVEY, ABSTRACT NUMBER 266, SITUATED ABOUT 13.0 MILES NORTH 10 DEGREES EAST OF THE COURTHOUSE, TARRANT COUNTY, TEXAS (CASE NO. AX-07-008) WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT CORPORATE BOUNDARY LIMITS OF FORT WORTH, TEXAS; PROVIDING THAT THE TERRITORY ANNEXED SHALL BEAR ITS PRO RATA PART OF TAXES; PROVIDING THAT THE INHABITANTS THEREOF SHALL HAVE ALL THE PRIVILEGES OF ALL THE CITIZENS OF FORT WORTH, TEXAS; PROVIDING THAT THIS ORDINANCE SHALL AMEND EVERY PRIOR ORDINANCE IN CONFLICT HERewith; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES NOT IN DIRECT CONFLICT; PROVIDING FOR SEVERABILITY; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the territory hereinafter described and proposed for annexation is less than one-half mile in width; and,

WHEREAS, the territory hereinafter described is vacant and without residents, or on which fewer than three registered voters reside; and,

WHEREAS, the City of Fort Worth has received a petition in writing requesting the annexation of the area; and,

WHEREAS, the population of the City of Fort Worth, Texas, is in excess of 100,000 inhabitants; and

WHEREAS, the hereinafter described territory lies within the exclusive extraterritorial jurisdiction of the City of Fort Worth, Texas; and

WHEREAS, the hereinafter described territory lies adjacent to and adjoins the City of Fort Worth, Texas; and

WHEREAS, the hereinafter described territory contains Approximately 23.0 acres of land (0.035 square miles) of land, more or less;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That the following described land and territory lying adjacent to and adjoining the City of Fort Worth, Texas is hereby added to

and annexed to the City of Fort Worth, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Fort Worth, Texas, and the present corporate boundary limits of said City, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Fort Worth, Texas, to-wit:

BEGINNING at a point for the northeast corner of said Keller ISD tract, same being on a southerly city limits line for the City of Fort Worth;

THENCE South $00^{\circ}25'21''$ East, with the east line of said Keller tract, a distance of 1573.62 feet to the southeast corner of same;

THENCE South $89^{\circ}35'55''$ West, with the south line of same, a distance of 691.85 to a point for the southwest corner of said Keller tract;

THENCE North $00^{\circ}24'38''$ West, with the most westerly west line of said Keller tract, a distance of 1264.08 feet to a point for corner;

THENCE North $89^{\circ}35'53''$ East, with the most southerly north line of same, a distance of 280.27 feet to a point for corner;

THENCE North $00^{\circ}24'07''$ West, with the most easterly west line of said Keller tract, a distance of 310.50 feet to a point for corner;

THENCE North $89^{\circ}43'53''$ East, with the most northerly north line of same, a distance of 411.21 feet to the Place of Beginning, and containing some 23.00 acres of land, (0.035 square miles) more or less.

SECTION 2.

That the above described territory is shown on Map Exhibit "A" which is attached hereto and expressly incorporated herein by reference for the purpose of illustrating and depicting the location of the hereinabove described territory.

SECTION 3.

That the above described territory hereby annexed shall be part of the City of Fort Worth, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Fort Worth, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens in

accordance with the Service Plan and shall be bound by the acts, ordinances, resolutions and regulations of the City of Fort Worth, Texas.

SECTION 4.

That the Service Plan attached hereto as Exhibit "B" was made available for inspection by and explanation to the inhabitants of the area to be annexed and is approved and incorporated into this ordinance for all purposes.

SECTION 5.

That this ordinance shall and does amend every prior ordinance in conflict herewith, but as to all other ordinances or sections of ordinances not in direct conflict, this ordinance shall be, and the same is hereby made cumulative.

SECTION 6.

That it is hereby declared to be the intent of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

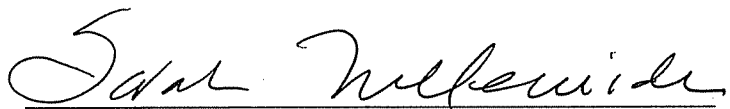
That should this ordinance for any reason be ineffective as to any part or parts of the area hereby annexed to the City of Fort Worth, the ineffectiveness of this ordinance as to any such part or parts shall not affect the effectiveness of this ordinance as to the remainder of such area. The City Council hereby declares it to be its purpose to annex to the City of Fort Worth every part of the area described in Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the description of territory set out in Section 1 of this ordinance to be annexed to the City of Fort Worth any area which is presently part of and included within the limits of the City of Fort Worth, or which is presently part of and included within the limits of any other city, town or village, or which is not within

the City of Fort Worth's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 8.

That this ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in cursive script, appearing to read "Sara Fullenwider", is written over a horizontal line.

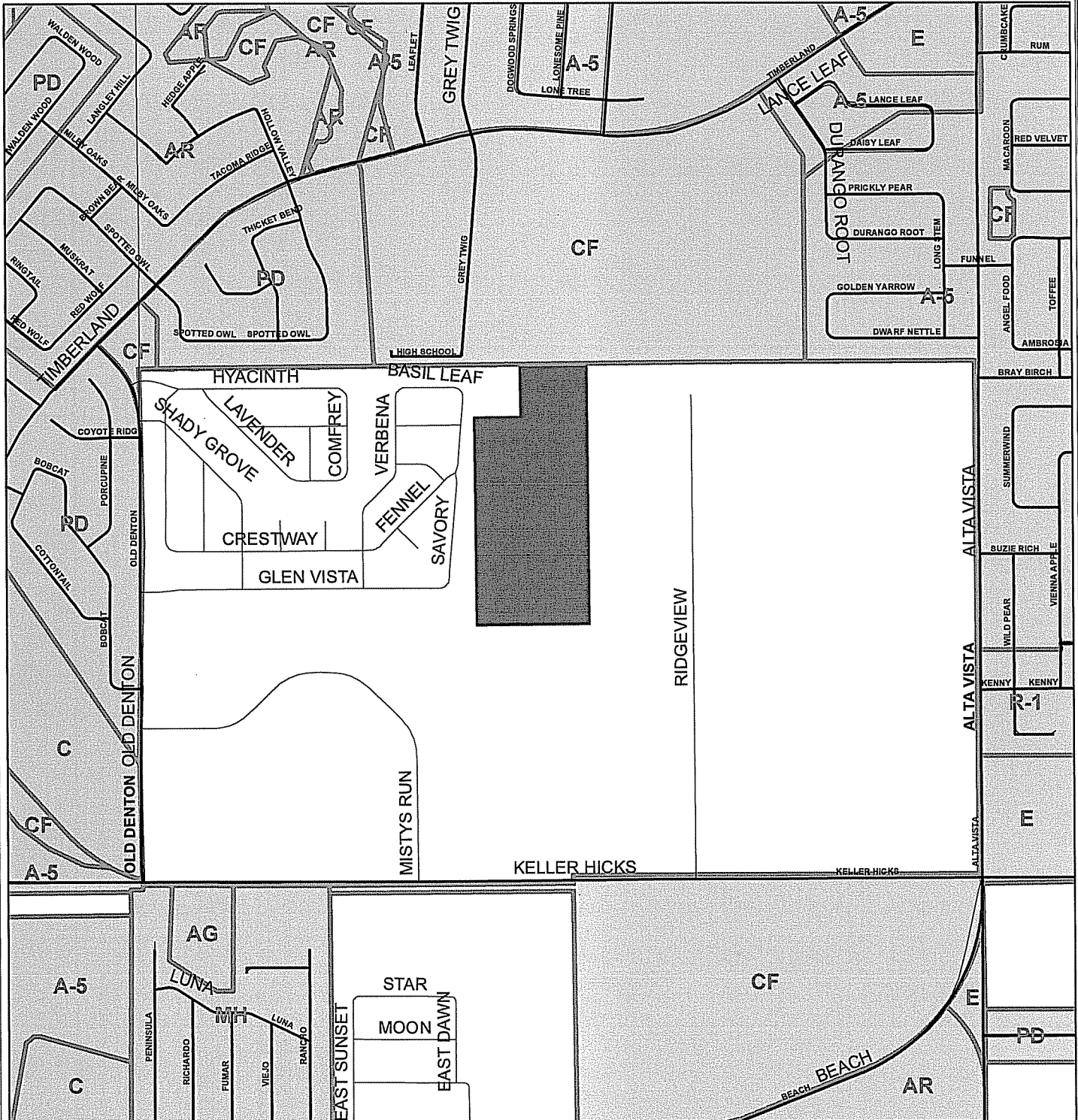
Sara Fullenwider, Assistant City Attorney

ADOPTED AND EFFECTIVE: January 22, 2008

Project Case # AX-07-008

Exhibit A

Annexation of 23 Acres to become part of Council District 2



Legend

- Zoning District
- Fort Worth City Limits
- Fort Worth ETJ
- Proposed Annexation Area

Proposed Process Schedule		Map References	
Date of Institution	01/22/08	Mapsc0	22E
		TAD Map	2060-464
Current Full-Purpose Incorporated Area		332.21 Square Miles	



Planning & Development Department
12/31/07 - BK

0 250 500 1,000 Feet

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CITY OF FORT WORTH, TEXAS
SERVICE PLAN FOR ANNEXED AREA

Property Subject to Plan: BEING 23.0 acres of land situated in the Francisco Cuella Survey, Abstract Number 266; situated about 13.0 miles North 10 degrees East of the Courthouse in Tarrant County, Texas.

Location and Acreage: Approximately 23.0 acres of land in Tarrant County, located south of Timberland Boulevard and west of Ridgeview Circle.

County: TARRANT

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Fort Worth, Texas, at the following levels and in accordance with the following service plan programs:

1. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted.

As used in this plan, the term 'providing services' includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable city ordinances.

A. Police Protection

The Fort Worth Police Department will provide protection and law enforcement services in the Annexation Area commencing on the effective date of annexation. The services will include:

- Normal patrols and responses to calls for service
- Handling of offense and incident reports
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required.

These services are provided on a citywide basis. The area will be combined with an existing Police Reporting Area (PRA 00300). The area will be in Neighborhood Policing District 4 on Beat D17.

B. Fire Protection

Fire protection services will be provided by existing personnel and equipment of the Fort Worth Fire Department. These services will be provided based upon available water, road and street conditions, and distances from existing fire stations. Services will be provided to the annexation area commencing on the effective date of the annexation. These services include:

- Basic Life Support (BLS) 1st responder emergency medical services
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Dive rescue;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review;
- Inspections;

These services are provided on a citywide basis. All Fort Worth firefighters are certified by the Texas Commission on Fire Protection.

On the date of annexation, the first responding fire services will come from Fire Station 37, located at 4721 Ray White Road. The second responding fire company will be from Fire Station 38 located at 13280 Park Vista Boulevard. The Fire Department estimates the response time to be 7.4 and 7.9 minutes, respectively.

C. Emergency Medical Services – Basic Life Support

Basic Life Support (BLS) emergency medical services by existing personnel and equipment of the Fort Worth Fire Department will be provided to the annexation area commencing on the effective date of the annexation. The Fort Worth Fire Department serves as the first responder on life threatening medical emergencies as a part of the MedStar system. All Fort Worth Fire Department personnel are certified as Emergency Medical Technician basic level or higher. All engines, trucks, and rescue units carry Automated External Defibrillators for use with victims who are in cardiac arrest.

Emergency Medical Services – Advanced Life Support

Advanced Life Support response provided by MedStar is greater than 9 minutes to the proposed annexation area with a potential of at least a 30-minute transport time to the nearest trauma center.

D. Solid Waste Collection

Solid waste collection shall be provided to the Annexation Area in accordance with existing City ordinances and policies commencing on the effective date of the annexation. For residential collections, private solid waste service providers under contract with the City will provide services. Residential customers using the services of a privately owned solid waste management service provider other than the City's contracted service provider may continue to use such services until the second anniversary of the annexation.

At the discretion of the customer, private service providers may provide solid waste collection services for businesses and multi-family dwelling complexes having three or more units. Private solid waste collection providers must have an active Grant of Privilege to provide service within the city limits.

E. Operation and Maintenance of Water and Wastewater Facilities

The annexation Area is located in the CCN of the City of Fort Worth. The City will provide water and sewer service to the Annexation Area, at the developer's cost, in accordance with the "Installation Policy of Community Facilities".

F. Operation and Maintenance of Roads and Streets, Including Street Lighting

The following services will be provided in the Annexation Area commencing on the effective date of the annexation, unless otherwise noted.

These services include emergency pavement repair and repair maintenance of public streets on an as-needed basis. Preventive maintenance projects are prioritized on a region-wide basis and scheduled based on a variety of factors, including surface condition, ride ability, age, traffic volume, functional class, and available funding. Any necessary rehabilitation or reconstruction will be considered and prioritized by the City.

Streetlights installed on improved public streets shall be maintained by the City of Fort Worth in accordance with current City policies. Other street lighting shall not be maintained by the City of Fort Worth.

The City will also provide regulatory signage services in the Annexation Area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service is provided 24 hours a day, 365 days a year for emergency sign repair.

G. Operation and Maintenance of Parks, Playgrounds and Swimming Pools

Residents of this property may utilize all existing parks and community service facilities throughout the City, beginning with the effective date of the annexation. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

Existing parks, playgrounds, swimming pools and other recreational and community facilities within this property shall, upon deeding to and acceptance by the City and appropriations for maintenance and operations, be operated by the City of Fort Worth, but not otherwise.

H. Operation and Maintenance of Any Other Publicly Owned Facility, Building or Service.

In the event the City acquires any other facilities, buildings or services necessary for municipal services located in the Annexation Area, the appropriate City department will provide maintenance services.

2. PROGRAM FOR PROVIDING ADDITIONAL SERVICES

In addition to the services identified above, the following services will be provided in the Annexation Area on the effective date of the annexation, unless otherwise noted:

A. The residents of the Annexation Area will receive the following library services from the Fort Worth Public Library commencing on the effective date of the annexation.

- Genealogy, Local History and Archival Collections
- Youth & Teen Services
- Interlibrary Loan to borrow materials from collections of 10,000 libraries
- Telephone, Mail and E-mail Reference Services
- Remote access to over 50 online databases
- U. S., Texas and City of Fort Worth documents
- Free computer classes for the public
- Outreach Services for children, young adults and seniors
- Large Print Books

B. The City will provide general municipal administration and administrative services.

C. The Annexation Area will be included in the Transportation and Public Works Department's Storm Water Utility service area. Properties in this area will be assessed a monthly fee based on the amount of impervious surface. The fees will cover the direct and indirect costs of storm water management services, including routine maintenance (at current citywide service levels) for all public drainage channels and for all public storm sewers within dedicated public drainage easements. The Storm Water Utility will also provide watershed development review and inspection.

In addition to residential solid waste collection services, the Environmental Management Department will provide the following services:

- Emergency spills and pollution complaints response;
- Storm sewer discharge pollution prevention; and
- Water quality assessments for creeks.

The Department of Engineering will provide information relating to flood plains.

- D. Enforcement of the City's code and environmental health ordinances and regulations, including but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food handlers, and animal control will be provided within the annexation area on the effective date of the annexation. Complaints of ordinance or regulation violations within the area will be answered and investigated by existing personnel within the appropriate department beginning on the effective date of the annexation.
- E. The City's building, plumbing, mechanical, electrical, and all other construction codes will be enforced within the Annexation Area beginning with the effective date of the annexation.
- F. The City's zoning, subdivision, sign, manufactured housing, junk yard and other ordinances shall be enforced in the Annexation Area beginning on the effective date of the annexation.
- G. All inspection services furnished by the City of Fort Worth, but not mentioned above, will be provided to the Annexation Area beginning on the effective date of the annexation.

3. PROGRAM FOR PROVIDING FULL MUNICIPAL SERVICES WITHIN 2-½ YEARS

In addition to the services listed above, the City will provide full municipal services to the Annexation Area commensurate with the levels of services provided in other parts of the City except if differences in topography, land use, and population density constitute a sufficient basis for providing different levels of service, no later than two and one-half (2-½) years after the effective date of the annexation. If full municipal services cannot be reasonably provided within the aforementioned time period, the City will propose a schedule for providing said services within a period of four and one-half (4-½) years after the effective date of the annexation, and/or upon commencement of development of a subdivision within this property, whichever occurs later.

"Full municipal services" are services provided by the annexing municipality within its full-purpose boundaries excluding gas or electrical service. The City shall provide the services by any of the methods by which it extends the services to any other area of the City.

4. CAPITAL IMPROVEMENTS PROGRAM

The developer will initiate acquisition or construction of capital improvements necessary for providing full municipal services adequate to serve the Annexation Area. Any such construction shall be substantially completed within two and one-half (2-½) years after the effective date of the annexation. If capital improvements necessary for providing full municipal services for the Annexation Area cannot be reasonably constructed within the aforementioned time period, the City will propose a schedule for providing said services within a period of four and one-half (4-½) years, and/or upon commencement of development of a subdivision within this property, whichever occurs later.

Acquisition or construction shall be accomplished by purchase, lease, or other contract. Any such construction shall be accomplished in a continuous process and shall be completed as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices.

- A. Police Protection. No capital improvements are necessary at this time to provide police protection to the Annexation Area. Need for construction of new facilities will be assessed periodically based on population growth, predicted growth and call volume.
- B. Fire Protection. Currently, Fire Station 37 has a 7.4 minute response time to the Annexation Area. Consideration should be given to constructing new stations and staffing new facilities prior to final decision to complete annexation.
- C. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services to the Annexation Area.

- D. Water and Wastewater. As development and construction of subdivisions commence within this property, the property owner in accordance with provisions of the City's Subdivision Ordinance and other applicable policies, ordinances, and regulations will extend water and sewer mains. City participation in the costs of these extensions shall be in accordance with applicable City policies, ordinances, and regulations. Such extensions, by the developer, will commence within two and one-half (2-1/2) years from the effective date of the annexation ordinance.

Following is a summary of the Water and Wastewater Installation Policy as set out in Section III of the City's Policy for the "Installation Policy of Community Facilities".

The developer shall cause to be constructed all water and wastewater facilities required to provide service to the development, subdivision, or lot/tract. The developer shall be responsible for 100% of the cost for water and wastewater facilities designed to provide service to the proposed development. If larger facilities are required based on comprehensive study, the additional incremental cost shall be borne by the City.

Connection to existing City water mains for domestic water service to serve residential, commercial, and industrial uses within the Annexation Area will be provided in accordance with existing City ordinances and policies. Upon connection to existing mains, water will be provided at rates established by City ordinances for such service at the normal rates charged throughout the City.

Connections to existing City sanitary sewer mains for sanitary sewage service in the Annexation Area will be provided in accordance with existing City ordinances and policies. Upon connection, to existing sanitary sewer mains, sanitary sewage service will be provided at rates established by City ordinances for such service at the normal rates charged throughout the City.

- E. Roads. No capital improvements are necessary at this time to provide roadway services.
- F. Storm Water Utility. No capital improvements are necessary at this time to provide drainage services.
- G. Street Lighting. It is anticipated that new subdivisions in the Annexation Area will install street lighting in accordance with the City's standard policies and procedures. In other cases, the City will consider installation of additional street lighting in the Annexation Area upon request, with priority given to street lighting for traffic safety. Provision of street lighting will be in accordance with the City's street lighting policies, and those of the providing utility.
- H. Parks, Playgrounds and Swimming Pools. Capital improvements such as parkland acquisition and development of facilities will be dictated by future land use of the area, goals established by the Park, Recreation and Open Space Master Plan and appropriation of resources. Should additional residential development occur, parkland dedication, neighborhood park development and neighborhood park infrastructure or payment in lieu thereof will be required in accordance with the Park Policy of the Subdivision Ordinance.
- I. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above can be provided for the Annexation Area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.

5. IMPACT FEES

Notwithstanding any other provision of this service plan, a landowner within the Annexation Area will not be required to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code governing impact fees, unless otherwise agreed to by the landowner.

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 1/22/2008 - Ordinance No. 17958-01-2008

DATE: Tuesday, January 22, 2008

LOG NAME: 06ADOPTAX-07008

REFERENCE NO.: PZ-2771

SUBJECT:

Institution and Adoption of an Ordinance for the Owner-Initiated Annexation of Approximately 23.0 Acres of Land in Tarrant County, Texas, Located South of Timberland Boulevard and West of Ridgeview Circle (AX-07-008, Keller ISD)

RECOMMENDATION:

It is recommended that the City Council institute and consider the adoption of an ordinance annexing approximately 23.0 acres south of Timberland Boulevard and west of Ridgeview Circle, in Tarrant County, Texas.

DISCUSSION:

On December 13, 2007, Keller Independent School District submitted an application for the full purpose annexation of the above referenced property into the City of Fort Worth. This request meets the criteria defined in Texas Local Government Code Section 43.028 for owner-initiated annexation and will not require public hearings. The adoption of the attached ordinance completes the annexation process.

The subject property is situated within the extraterritorial jurisdiction of the City of Fort Worth, south of Timberland Boulevard and west of Ridgeview Circle. The property is part of an enclave entirely surrounded by the City of Fort Worth. The land is currently vacant and proposed for expanded athletic fields of the future Keller High School No. 4.

The fiscal impact analysis shows that the property and future improvements will provide a slight negative impact to the General Fund. However, the area is noted as a portion of Enclave 12 in the Annexation Program, and the Annexation Policy does not require enclaves to produce a positive fiscal impact due to the efficiencies gained in service delivery.

The Police Department has estimated an impact of \$612 and other general fund services have estimated an impact of \$519, due to anticipated calls for service to the proposed annexation area in the first year.

If annexed, this property will become a part of COUNCIL DISTRICT 2.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that funds are available in the current operating budget of the various city departments, as appropriated in the General Fund.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

Dale Fisseler (6140)

Originating Department Head:

Fernando Costa (8042)

Additional Information Contact:

Beth Knight (8190)
